

§ 748.1

OFAC maintains controls on exports or reexports to that country.

(2) OFAC maintains a comprehensive embargo on trade, including exports from the United States or by U.S. persons to, or through, those areas of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces, or activity of any kind that promotes or is intended to promote such dealing. OFAC maintains this embargo under Executive Orders 12846 of April 25, 1993 and 12934 of October 25, 1994, and consistent with United Nations Security Council Resolutions 820 of April 17, 1993 and 942 of September 23, 1994. The applicable OFAC regulations, the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, are found in 31 CFR part 585. U.S. persons should apply to OFAC for authorization to engage in trade-related transactions involving those areas of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces. An authorization from OFAC constitutes authorization under the EAR, and no BXA license is necessary. You will need a license from BXA for items controlled on the CCL to Bosnia-Herzegovina when the export or reexport is destined to areas in the Republic of Bosnia-Herzegovina not controlled by the Bosnian Serb forces. You may need a license from BXA to reexport U.S.-origin items from third countries to areas of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces.

(c) *Croatia*. (1) BXA maintains the controls reflected on the Country Chart in Supplement 1 to part 738 of the EAR on Croatia, except to the extent OFAC maintains controls on exports or reexports to that country.

(2) OFAC prohibits any dealing by a U.S. person relating to the export to, or transshipment through, the United Nations Protected Areas in the Republic of Croatia. OFAC maintains this embargo under Executive Order 12846 of April 25, 1993, and consistent with United Nations Security Council Resolution 820 of April 17, 1993. The applicable OFAC regulations, the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, are found in 31 CFR part 585. U.S. persons should apply to OFAC for authorization to engage in trade-related transactions involving the United Nations Protected Areas in the Republic of Croatia. An authorization from OFAC constitutes authorization under the EAR, and no BXA license is necessary. You will need a license from BXA for items controlled on the CCL to Croatia when the export or reexport is destined to areas other than the United Nations Protected Areas in the Republic of Croatia. Foreign persons may need a license from BXA to reexport U.S.-origin items from third countries to the United Nations Protected Areas in the Republic of Croatia.

15 CFR Ch. VII (1-1-97 Edition)

PART 748—APPLICATIONS (CLASSIFICATION, ADVISORY, AND LICENSE) AND DOCUMENTATION

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SUPPLEMENT NO. 1 TO PART 748—BXA-748P, BXA-748P-A; ITEM APPENDIX, AND BXA-748P-B; END-USER APPENDIX, MULTIPURPOSE APPLICATION INSTRUCTIONS

SUPPLEMENT NO. 2 TO PART 748—UNIQUE LICENSE APPLICATION REQUIREMENTS

SUPPLEMENT NO. 3 TO PART 748—BXA-711, STATEMENT BY ULTIMATE CONSIGNEE AND PURCHASER INSTRUCTIONS

SUPPLEMENT NO. 4 TO PART 748—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION (IC/DV) AND END USE CERTIFICATE SYSTEMS IN FOREIGN COUNTRIES

SUPPLEMENT NO. 5 TO PART 748—U.S. Import Certificate and Delivery Verification Procedure

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Executive Order 13026 (November 15, 1996, 61 FR 58767) Notice of August 15, 1995 (60 FR 42767, August 17, 1995); and Notice of August 14, 1996 (61 FR 42527).

SOURCE: 61 FR 12812, Mar. 25, 1996, unless otherwise noted.

§ 748.1 General provisions.

(a) *Scope*. In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. The provisions of this part involve applications, whether submitted in writing or electronically, for classifications, advisory opinions or licenses subject to the Export Administration Regulations (EAR). All terms,

conditions, provisions, and instructions, including the applicant and consignee certifications, contained in such form(s) are incorporated as part of the EAR. For the purposes of this part, the term "application" refers to the Form BXA-748P: Multipurpose Application or its electronic equivalent. If a provision contained in this part relates solely to a license application the term "license application" will appear.

(b) *BXA responses.* BXA will give a formal classification, advisory opinion or licensing decision only through the review of a properly completed application supported by all relevant facts and required documentation submitted in writing or electronically to BXA.

(c) *Confidentiality.* Consistent with section 12(c) of the Export Administration Act, as amended, information obtained for the purposes of considering license applications, and other information obtained by the U.S. Department of Commerce concerning license applications, will not be made available to the public without the approval of the Secretary of Commerce.

§ 748.2 Obtaining forms; mailing addresses.

(a) You may obtain the forms required by the EAR from any U.S. Department of Commerce District Office; or in person or by telephone or facsimile from the following BXA offices:

Export Counseling Division

U.S. Department of Commerce, 14th Street and Pennsylvania Ave., N.W., Room H1099D, Washington, D.C. 20230, Telephone Number: (202) 482-4811, Facsimile Number: (202) 482-3617,

Western Regional Offices:

3300 Irvine Avenue, Ste. 345, Newport Beach, CA 92660, Telephone Number: (714) 660-0144, Facsimile Number: (714) 660-9347,
5201 Great America Pkwy, Ste. 226, Santa Clara, CA 95054, Telephone Number: (408) 748-7450, Facsimile Number: (408) 748-7470

(b) For the convenience of foreign consignees and other foreign parties, certain BXA forms may be obtained at U.S. Embassies and Consulates throughout the world.

(c) All applications should be mailed to the following address, unless otherwise specified: Bureau of Export Administration, U.S. Department of Com-

merce, P.O. Box 273, Washington, D.C. 20044. If you wish to submit your application using an overnight courier, use the following address: Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue N.W., Room 2705, Washington, D.C. 20044, Attn: "Application Enclosed". BXA will not accept applications sent C.O.D.

§ 748.3 Classification and Advisory Opinions.

(a) *Introduction.* In light of your responsibility to classify your item, you may ask BXA to provide you with the correct Export Control Classification Number (ECCN) to the paragraph (or subparagraph if appropriate). BXA will advise you whether or not your item is subject to the EAR and, if applicable, the appropriate ECCN. This type of request is commonly referred to as a "Classification Request". If requested, for a given end-use, end-user, and/or destination, BXA will advise you whether a license is required, or likely to be granted, for a particular transaction. Note that these responses do not bind BXA to issuing a license in the future. This type of request, along with requests for guidance regarding other interpretations of the EAR are commonly referred to as "Advisory Opinions".

(b) *Classification requests.* You must submit your Classification Request using Form BXA-748P or its electronic equivalent. See the instructions contained in Supplement No. 1 to part 748 to complete the Blocks identified for this type of request. Classification Requests must be sent to BXA at one of the addresses listed in § 748.2(c) of this part or submitted electronically. Be certain that your request is complete and does not omit any essential information.

(1) Each Classification Request must be limited to 5 items. Exceptions may be granted by BXA on a case-by-case basis for several related items if the relationship between the items is satisfactorily substantiated in the request. Classification requests must be supported by any descriptive literature, brochures, precise technical specifications or papers that describe the items